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MAR 20 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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ONE GATEWAY CENTER  
NEWARK, NJ 07102-5397

SPECIAL COUNSEL  
JEROLD L. JACOBS

March 20, 1998

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

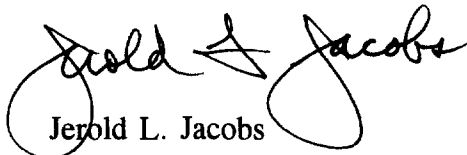
Re: FM Table of Allotments  
Newell, Iowa  
Petition for Rulemaking

Dear Ms. Salas:

Enclosed herewith for filing, on behalf of our client, Robert J. Maines, Jr., are an original and four (4) copies of his "Petition for Rulemaking" in the above-referenced matter.

Please direct any inquiries or communications concerning this matter to the undersigned.

Very truly yours,



Jerold L. Jacobs

Enc.

cc: As on Certificate of Service (all w/enc.)

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAR 20 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) RM-  
Table of Allotments, )  
FM Broadcast Stations )  
(Newell, Iowa) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

**ROBERT J. MAINES, JR.** ("Maines"), by his attorneys, pursuant to §1.401 of the Commission's Rules, hereby requests that the Commission should institute a rulemaking proceeding to amend the FM Table of Allotments (§73.202(b) of the Commission's Rules) to allot Channel 265A to Newell, Iowa as that community's first local aural service. In support of this proposal, Maines shows the following:

1. Maines requests the following change in the FM Table of Allotments:

<u>City</u>	<u>Channel Number</u>	
	<u>Present</u>	<u>Proposed</u>
Newell, Iowa	-	265A

2. Newell, Iowa is an incorporated community with a 1990 U.S. Census population of 1089 persons, located within Buena Vista County, which has a population of 19,965 persons. Newell has its own post office and zip code, its own weekly newspaper (the Buena Vista County Journal), a mayor and five councilmen, its own police department, volunteer fire department,

water and trash services, a public library, and a consolidated Grades 1-12 public school. The community's main employment is its two livestock elevators. Newell also has a bank, five churches, a nursing home, and a medical clinic. Adoption of this proposal will give Newell its first local aural service.

3. Maines' proposal is fully substantiated by the attached Engineering Statement ("Statement") of Darryl K. DeLawder of DeLawder Communications, Inc. As the Statement indicates (at 2), the proposal to allot Channel 265A to Newell, using the reference site coordinates of 42-36-04 North Latitude and 95-04-21 West Longitude, reflects a site restriction of 5.8 kilometers to the west of the Newell center-city coordinates. At the reference site, all minimum distance separation requirements of §73.207(b) of the Rules are met, as well as the principal community contour coverage requirements of §73.315. No change in any existing allotment is necessary to accomplish Maines' objective.

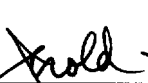

4. In sum, Maines urges that grant of the requested Class A allotment is fully consistent with all of the Commission's engineering and allotment rules and policies and will serve the paramount public interest by bringing a first local transmission service to Newell and vicinity. If the proposed allotment is granted, Maines hereby indicates his present intention to promptly file an FCC Form 301 application for authority to construct and operate a new FM broadcast station at Newell, Iowa, and, if authorized, to build the station promptly.

WHEREFORE, in view of the foregoing, Maines respectfully requests that the Commis-

sion should issue a Notice of Proposed Rulemaking in accordance with this Petition and should grant the proposed change in the FM Table of Allotments.

Respectfully submitted,

**ROBERT J. MAINES, JR.**

By    
Howard J. Braun  
Jerold L. Jacobs

ROSENMAN & COLIN LLP  
1300 - 19th Street, N.W. Suite 200  
Washington, D.C. 20036  
(202) 463-4640

His Attorneys

Dated: March 20, 1998

**DELAWDER COMMUNICATIONS, INC.**  
5568 General Washington Drive, Suite A218  
Alexandria, Virginia 22312  
(703)658-5390

**ENGINEERING EXHIBIT**

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**IN SUPPORT OF  
PETITION FOR RULE MAKING  
FOR A NEW FM CHANNEL 265A  
AT NEWELL, IOWA**

**I. INTRODUCTION**

1. This Engineering Exhibit supports a petition to amend the FM Table of Allotments, 47 C. F. R. Section 73.202(b), by allocating FM Channel 265A at Newell, Iowa, as that community's first local FM service. No AM station is authorized or licensed at Newell, Iowa; therefore, this proposed FM allotment would also represent the first local aural service for the Newell community.

**II. FINDINGS**

2. The "center-city" geographical coordinates for Newell, IA are 42° 36' 18" North Latitude; 95° 00' 06" West Longitude (NAD27). From the center-city coordinates, a site restriction of 5.8 kilometers to the west exists due to licensed FM Station KJYL(FM), Eagle Grove, Iowa, 264C3<sup>1</sup>. The following reference site is used to meet the separation requirement to KJYL(FM):

REFERENCE SITE (NAD27):    42° 36' 04" North Latitude  
                                         95° 04' 21" West Longitude

(The Reference Site is located 5.8 km at a bearing of 265.8° T  
from the Newell center-city coordinates.)

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<sup>1</sup> KJYL(FM)'s transmitter site is located at N 42° 39' 18"; W 93° 59' 24".

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Table 1, attached, is an allocation study for FM Channel 265A, using the reference site. As demonstrated by Table 1, all minimum distance separation requirements of 47 C. F. R. Section 73.207(b) are met from the reference site. In addition, a Class A FM station constructed at that site will meet the principle community contour coverage requirement of 47 C. F. R. Section 73.315.

Based upon 1990 U.S. Census Bureau Data, the population for Newell, Iowa is 1,089 persons.

# TABLE 1 - ALLOCATION STUDY

Delawder Communications  
Alexandria, Virginia

Page 1  
March 12, 1998

## FM Spacing study

Title: Newell, IA (From Reference Site)  
Channel 265A (100.9 MHz)  
Database: FCC 02/26/98

Latitude: 42-36-04  
Longitude: 95-04-21  
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WOI-FM	LIC	Iowa State Univ of Scien	*211C	100	41-48-33	125.8	149.1	29
Ames	IA		90.1	454	93-36-53	306.7	120.1	CLEAR
KWIT	LIC	Western Iowa Tech Commun	*212C1	100	42-28-56	262.7	98.30	22
Sioux City	IA		90.3	277	96-15-30	81.9	76.30	CLEAR
KAJQ	CP	21st Century Radio Ventu	262A	6	43-17-58	326.0	93.98	31
Sibley	IA	BPH-930809MA	100.3	72	95-43-21	145.5	62.98	CLEAR
KXAC	LIC	Minnesota Valley Broadca	263C2	50	43-52-29	14.9	146.6	55
St. James	MN	BLH-930114KA	100.5	132	94-36-04	195.3	91.58	CLEAR
DOC-90-558								
KJYL	LIC	Minn-Iowa Christian Broa	264C3	25	42-39-18	85.8	89.00	89
Eagle Grove	IA	BLH-940310KC	100.7	100	93-59-24	266.5	.0043	CLOSE
ALLOC			264C3		42-39-54	85.3	96.03	89
Eagle Grove	IA	DOC-91-4	100.7		93-54-18	266.1	7.030	CLOSE
Filing window 09/06-10/07/91 **CLOSED**								
ALLOC			264C		41-02-35	205.8	191.8	165
Omaha	NE		100.7		96-04-02	25.1	26.77	CLEAR
ALLOC			265C1		43-59-55	40.7	206.9	200
Blooming Prairie	MN		100.9		93-23-16	221.8	6.868	CLOSE
KOWZ	LIC	Blooming Prairie Farm Ra	265C1	100	44-02-46	39.8	211.0	200
Blooming Prairie	MN	BLH-950731KB	100.9	189	93-23-03	220.9	11.01	CLOSE
KLQL	LIC	Three Eagles of Luverne,	266C1	100	43-48-24	326.0	162.6	133
Luverne	MN	BLH-830822AA	101.1	162	96-12-23	145.2	29.57	CLEAR
ALLOC			266C1		43-48-24	326.0	162.6	133
Luverne	MN		101.1		96-12-23	145.2	29.57	CLEAR
ALLOC			267C3		41-05-41	160.7	177.1	42
Creston	IA	DOC-89-485	101.3		94-22-30	341.2	135.1	CLEAR
KISP	CP	Sunrise Broadcasting of	268C3	25DA	41-38-21	221.6	142.3	42
Blair	NE	BPH-930916IC	101.5	92	96-12-31	40.8	100.3	CLEAR
DA: oddball ODD930916IC @ 0 deg								

>> End of channel 265A study <<

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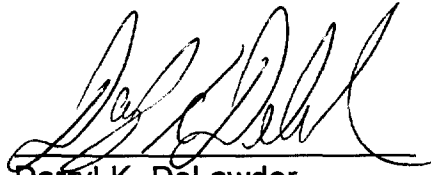
I, Darryl K. DeLawder, declare and state as follows:

That I have received a Bachelor of Science degree in  
electrical engineering from Villanova University;

That I have either prepared or directly supervised the  
preparation of all technical information contained in this  
Engineering Exhibit;

That the facts stated in this Engineering Exhibit are  
true of my own knowledge, except as to such statements as  
are herein stated to be on information and belief, and as  
to such statements I believe them to be true.

03-18-98  
Date

  
Darryl K. DeLawder

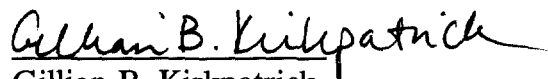


**CERTIFICATE OF SERVICE**

I, Gillian B. Kirkpatrick, secretary in the law offices of Rosenman & Colin LLP, do hereby certify that on this 20th day of March, 1998, I have caused to be hand-delivered a copy of the foregoing "**Petition for Rulemaking**" to the following:

John A. Karousos, Chief\*  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W. Suite 565  
Washington, D.C. 20554

Andrew J. Rhodes, Esq.\*  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 536  
Washington, D.C. 20554

  
Gillian B. Kirkpatrick

**\*BY HAND**